

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 26, 2007, at 10:20 a.m.:

That the Senate passed with an amendment H.R. 3678.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

ANTHONY DEJUAN BOATWRIGHT ACT

Mr. BARROW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1473) to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry current liability insurance, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anthony DeJuan Boatwright Act".

SEC. 2. AMENDMENTS.

Section 658e(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(1) in subparagraph (E)(i) by adding at the end the following: "The State shall include as part of its regulatory process for issuance and renewal of licenses to providers of child care services, a recommendation to each provider that it carry current liability insurance covering the operation of its child care business.", and

(2) in subparagraph (F)—

(A) in clause (ii) by striking "and" at the end,

(B) in clause (iii) by striking the period at the end and inserting a semicolon,

(C) by inserting after clause (iii) the following:

"(iv) a requirement that each licensed child care provider—

"(I) post publicly and conspicuously in the service area of its premises a notice specifying whether or not such provider carries current liability insurance covering the operation of its child care business;

"(II) provide to parents of children to whom it provides child care services a written notice stating whether or not such provider carries current liability insurance cov-

ering the operation of its child care business, including the amount of any such coverage;

"(III) obtain the signature of at least 1 parent of each such child on such written notice acknowledging that such parent has received such notice; and

"(IV) maintain such notice (or a copy of such notice) as signed by such parents (or a copy of the signed notice) in such provider's records during the period in which the child receives such services.", and

(D) in the last sentence by inserting "clauses (i), (ii), or (iii) of" after "Nothing in".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1 of the 1st fiscal year that begins more than 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlemen from Georgia (Mr. BARROW) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. BARROW. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert material relevant to H.R. 1473, as amended, into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARROW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back home in Augusta, Georgia, there's a little 7½-year-old boy named Anthony DeJuan Boatwright, who is in a semicomatose state and hooked up to a ventilator. He wasn't born that way, but that is how he ended up. He ended up that way because of an accident, negligence, really, that never would have happened if his mother had been given the information that this bill requires.

Back in 2001, Juan's mother, Jacqueline Boatwright, was doing what millions of mothers all over the country do every day: she placed her child in day care so that she could work to improve her life and that of her child. She was a sophisticated consumer. She had done her homework and she shopped around and found a day care center. It was licensed by the State; it was clean and it complied with all sorts of Federal regulations under the Child Care Development Block Grant Act governing such things as the prevention and control of infectious diseases, building safety, premises access, and mental health and safety training for staff.

But there was one thing that Jackie Boatwright did not know: that these folks could take her money, they could take her child, they could harm her child, and they would not be financially responsible for any of the harm that they could do. That is because they had no liability insurance and there was no law, State or Federal, that required them to tell her that.

Mr. Speaker, sure enough, that is what happened. They ignored little

Juan long enough for him to find a bucket of water. Like every child that age, he had just enough strength to pull himself up and to look over inside and to fall inside, head first, but not enough upper body strength to push or pull himself back up. It was a death trap, and little Juan fell into it. Well, Juan survived, but his life and that of his family have been ruined and changed forever.

This bill would have prevented all of this from happening. It would not have done it by creating a whole new bureaucracy of day care inspectors to watch the watchers. It would have done it in the least expensive and most efficient way possible, by simply requiring the day care center to tell Jackie Boatwright what they knew but did not tell her, that they were willing to accept the moral responsibility of taking care of her baby, but they were going to accept none of the financial responsibility for failing to do so.

That would have prevented this from happening, because that is all it would have taken to prevent this tragedy from happening. Because if Jackie had known that, she would have done what any other parent would do: she would have taken her business someplace else, someplace where they accept some degree of financial responsibility for the consequences of their negligence and incorporate the cost in the cost of doing business, just like every other financially responsible business does.

Jackie has tried to make something positive out of this. She has determined to prevent this from happening to anybody else. Thanks to her efforts, financial responsibility disclosure laws are now on the books in four States: Georgia, California, Virginia and New Hampshire. This bill will close the gap by requiring financial responsibility disclosure for licensed day care facilities in the rest of the country.

In 2005, there were literally millions of kids in this country receiving day care in facilities that are governed by the Child Care and Development Block Grant Act. Only a fraction of these kids live in the four States that have now stepped forward to enact financial responsibility disclosure laws. That means that millions of kids still go to licensed day care facilities all around the country today whose parents have no idea that their day care centers can harm their child and accept none of the financial consequences of doing so.

This bill will give the parents of these millions of children the same information that parents are entitled to as a matter of law in the States of Georgia, California, Virginia, and New Hampshire. These parents have just as much need to know about the financial responsibility of the folks they give their kids to, and this bill will give them the same information.

This bill does not require any day care facilities to go out and get liability insurance. It merely requires licensed day care centers to tell parents